OPINION 1196
BEYRICHIA M'COY, 1846 (CRUSTACEA: OSTRACODA): DESIGNATION OF TYPE SPECIES AND OF NEOTYPE FOR THAT SPECIES

RULING.— (1) Under the plenary powers

(a) all designations of type specimen for the nominal species *Beyrichia kloedeni* M'Coy, 1846 hitherto made are hereby set aside and the specimen proposed by Siveter & Sylvester-Bradley, 1976, is hereby designated as neotype of that species;

(b) all designations of type species for the nominal genus *Beyrichia* M'Coy, 1846 hitherto made are hereby set aside and *Beyrichia kloedeni* M'Coy, 1846, as interpreted by the neotype designated in (a) above is hereby designated as type species of that genus.

(2) The generic name *Beyrichia* M'Coy, 1846 (gender: feminine), type species, by designation under the plenary powers in (1)(b) above, *Beyrichia kloedeni* M'Coy, 1846, is hereby placed on the Official List of Generic Names in Zoology with the Name Number 2139.

(3) The following specific names are hereby placed on the Official List of Specific Names in Zoology with the Name Numbers specified:

(a) *kloedeni* M'Coy, as published in the binomen *Beyrichia kloedeni* (specific name of type species of *Beyrichia* M'Coy, 1846) (Name Number 2770);

(b) *tuberculatus* Kloeden, 1834, as published in the binomen *Battus tuberculatus* (Name Number 2771).

(4) The family name BEYRICHIIDAE Matthew, 1886 (type genus *Beyrichia* M'Coy, 1846) is hereby placed on the Official List of Family-Group Names in Zoology with the Name Number 517.

(5) The generic name *Beyrichia* Boll, 1847 (a junior homonym of *Beyrichia* M'Coy, 1846) is hereby placed on the Official Index of Rejected and Invalid Generic Names in Zoology with the Name Number 2120.

HISTORY OF THE CASE Z.N.(S.)1117

An application to designate the type species of *Beyrichia* and the type specimen of that species was first received from the late Professor P.C. Sylvester-Bradley and Dr. Stuart A. Levinson on 4 May 1956. It was not sent to the printer until I read the file as Assistant Secretary in September 1959, when a revised version was

sent to the applicants for their approval. This was sent to the printer on 27 October 1959 and published on 8 April 1960 in *Bull. zool. Nom.* vol. 17, pp. 227–230. No use of the plenary powers was called for. No comment was received.

FIRST VOTE OF THE COMMISSION

On 1 December 1960 the members of the Commission were invited to vote under the Three-Month Rule on Voting Paper (1960)30 for or against the proposals set out in *Bull. zool. Nom.* vol. 17, pp. 229–230. At the close of the voting period on 1 March 1961 there were 24 affirmative votes and one negative vote from Key, who observed: '(1) The citing of an older name (*Battus tuberculatus*) in the synonymy of *Beyrichia kloedeni* by M'Coy renders *kloedeni* clearly a replacement name and hence an objective synonym of *tuberculatus,* invalid as long as the latter is valid. (2) Under Article 72d, therefore, the type of *kloedeni* must be the type of *tuberculatus,* and the selection by the applicants of a different type is invalid. (3) Under Article 67e, furthermore, *tuberculatus* is the type species of *Beyrichia*. It is not true, of course, that *kloedeni* was "still born" and "invalidated for all time", but otherwise the conclusions of Kesling & Wagner are in accordance with the Code. Since the applicants do not invoke the plenary powers, their request cannot be acceded to.'

As Dr. Key's view was undoubtedly correct, Professor Sylvester-Bradley was invited to write a short note for the *Bulletin* asking for those powers to be used. However, he found himself unable to agree with Dr. Key and declined to do so. He suggested that Dr. Anders Martinsson be approached, but no such note was ever received from him.

REVIVAL OF THE CASE

On 1 November 1973 a letter was received from Dr. David J. Siveter enquiring as to the fate of the original application by Professor Sylvester-Bradley and Dr. Levinson. After a lengthy exchange of correspondence, a fresh application was prepared and sent to the printer on 19 February 1976. It was published on 26 June 1976 in *Bull. zool. Nom.* vol. 33, pp. 61–64. Public notice of the possible use of the plenary powers in the case was given in the same part of the *Bulletin* as well as to the statutory serials, six general serials and two palaeontological serials. No comment was received.

DECISION OF THE COMMISSION

On 24 November 1980 the members of the Commission were

invited to vote under the Three-Month Rule on Voting Paper (1980)32 for or against the proposals contained in *Bull. zool. Nom.*, vol. 33, pp. 63–64. At the close of the voting period on 24 February 1981, the state of the voting was as follows:

Affirmative Votes — nineteen (19), received in the following order: Melville, Holthuis, Willink, Mroczkowski, Trjapitzin, Alvarado, Starobogatov, Habe, Corliss, Hahn, Welch, Tortonese, Heppell, Brinck, Lehtinen, Binder, Bayer, Bernardi, Nye

Negative Votes — four (4): Dupuis, Ride, Cogger, Sabrosky

Halvorsen and Vokes were on leave of absence. No voting paper was returned from Kraus.

The following comments were sent in by members of the Commission with their voting papers:

Heppell: 'This can be regarded as a straightforward case for the application of Article 70a. *Beyrichia kloedeni* M'Coy can then be interpreted as a replacement name for *Battus tuberculatus* M'Coy *non* Kloeden and as its type material is extant but unsatisfactory the need for it to be replaced by a neotype designated under the plenary powers follows as a matter of course.'

Dupuis: 'Il me paraîtrait préférable de considérer la synonymie *kloedeni* M'Coy, 1846 / *tuberculatus* Kloeden, 1834, donnée par M'Coy, comme une identification erronée d'espèce-type. En ce cas, *Beyrichia* demeurerait avec son espèce-type *kloedeni*, fondée sur le lectotype de Sylvester-Bradley et Levinson. *Tuberculatus,* avec son néotype choisi par Martinsson, demeurerait utilisable pour inclusion — éventuellement — dans tout autre genre.'

Ride: 'While I agree with the intention of the application, the issue is not one of setting aside an earlier designation. A replacement name has *ipso facto* the same type as the name it replaces (Art. 72d). There is no designation to be set aside. The applicants should be seeking either for (a) *B. kloedeni* M'Coy, 1846, to be declared a species described in synonymy and the proposed neotype recognised for it, or (b) *B. kloedeni* M'Coy, 1846, to be suppressed and the "material from Ireland" to be set aside in favour of the proposed neotype for that species.'

Cogger: 'The authors simply state that the application of the Code would result in changes to names that have been accepted by most (though clearly not all) workers for the past 26 years. They have not demonstrated that such an upset of current usage would seriously affect stability.'

ORIGINAL REFERENCES

The following are the original references for the names placed on Official Lists and an Official Index by the ruling given in the present Opinion:

Beyrichia M'Coy, 1846, *Synopsis Silurian fossils of Ireland...* (Dublin), p.57

Beyrichia Boll, 1847, *Palaeontographica*, vol. 1, p. 127

BEYRICHIIDAE Matthew, 1886, *Proc. Trans. roy. Soc. Canada* (1) vol. 3 (4), pp. 63

kloedeni, Beyrichia, M'Coy, 1846, *Synopsis Silurian fossils of Ireland... (Dublin), p.58*

tuberculatus, Battus, Kloeden, 1834, *Verstein. Mark Brandenburg,* p. 112.

CERTIFICATE

I hereby certify that the votes cast on V.P.(80)32 were cast as set out above, that the proposal contained in that voting paper has been duly adopted under the plenary powers, and that the decision so taken, being the decision of the International Commission on Zoological Nomenclature, is truly recorded in the present Opinion No. 1196.

R.V. MELVILLE
Secretary
International Commission on Zoological Nomenclature
London
24 March 1981